

NORTHERN MARIANA ISLANDS DELEGATE ACT

SEPTEMBER 27, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Resources,
submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 4067]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4067) to provide for representation of the Northern Mariana Islands by a nonvoting Delegate in the House of Representatives, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

In subsection (c) of section 6, as proposed to be added by section 2 of the bill, insert “and not before the general Federal election of 1998,” after “elected, but not appointed,”.

PURPOSE OF THE BILL

The purpose of H.R. 4067 is to provide for representation of the Northern Mariana Islands by a nonvoting delegate in the House of Representatives.

BACKGROUND AND NEED FOR LEGISLATION

The Commonwealth of the Northern Mariana Islands (NMI) is a United States territory composed of 14 major islands totaling approximately 183.5 square miles, and is situated some 3,700 miles west of the State of Hawaii. The southernmost of the Mariana Island chain, but a separate political jurisdiction, is the Territory of Guam.

All of the Marianas fell to the United States during the Spanish American War (1898) with the capture of Manila, the seat of the Spanish colonial government over the islands. Only Guam was retained by the U.S. in the Treaty of Paris that ended the war; however, subsequently, Spain sold the northern Marianas to Germany. The islands again changed hands in 1917, when Japanese forces ousted the German governor. After World War I, Japan was granted a League of Nations mandate over the northern Marianas.

Japanese fortification of the islands, particularly Saipan, and their proximity to Japan itself, made the capture of the northern Marianas critical to the United States strategy in World War II. Beginning with the Battle of Saipan in June, 1944, and ending with the liberation of Guam later that summer, U.S. forces wrested the Marianas from the Japanese. In August, 1945, B-29's launched from Tinian, another of the northern Marianas, delivered the atomic bombs that forced Japan's surrender.

Following occupation, the U.S. military governed the islands until replaced by civilian appointees under the authority of the Interior Department in 1962. NMI became part of the district of the Trust Territory of the Pacific Island created by the United Nations in 1947. The United States was appointed trustee with the responsibility to bring the islands to "self-government or independence."

The people of NMI sought self-government as part of the United States. In a 1969 plebiscite they voted to reunify their islands with the southern-most island of the Mariana Archipelago, Guam, thereby becoming part of a U.S. territory. Voters in Guam, however, rejected unification with their northern neighbors who had been under German and then Japanese Administration for so many years.

Thereafter, negotiators for NMI and for the United States Government developed the terms of the future political relationship between the islands and the U.S. The resulting Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States won 78.8 percent acceptance in a local plebiscite in 1975, and Congress approved the Covenant in 1976 with Public Law 94-241.

The Covenant became fully effective with Ronald Reagan's Presidential Proclamation No. 5564 on November 3, 1986. On that same date, the residents of NMI became United States citizens and all others born in the NMI from that time forward acquired U.S. citizenship. The United Nations acknowledged the termination of the Trust Territory of the Pacific Island, with respect to the Northern Marianas, by Security Council Resolution No. 638 of December 22, 1990.

There are no other territories, possessions, or former trust territories which would meet the historical criteria for a delegate. The former Micronesian Trust Territories are now associated republics. They have ambassadors, not delegates, and are members of the United Nations. Furthermore, they are citizens of their own respective countries and not U.S. citizens. NMI is the last and only U.S. territory with a permanent population that has no voice.

Among all of the present non-State areas of the United States, the relationship with NMI is unique in that it originated from an accord (the Covenant) between the political leaders of NMI and the

United States. Its key provisions recognize that the Northern Marianas is under the sovereignty of the United States; the people of NMI are guaranteed the right of self-government under a republican form of government; they are U.S. citizens to whom specified provisions of the Constitution apply; and they are subject to the law-making authority of Congress under the Territorial Clause (Article III, Section 2, Clause 1).

Other aspects of the Covenant are provisional and were intended to be temporary until the Trusteeship ended, U.S. citizenship conferred on the residents, and Federal policy regarding the application of other Federal laws established. Special measures were included to assist the Marianas economic transition. For instance, the Covenant gives to NMI the right to control immigration but this local authority clearly may be modified or transferred at the discretion of Congress. Also, the Covenant provided for an initial seven years of financial assistance to promote economic development and raise the standard of living. Congress has renewed this multi-year funding and modified the terms of this aid over the years, but has now acted to phase it out entirely.

In the twenty years since the Covenant was initially approved, NMI has established its own constitution and formed its government, the Commonwealth of the Northern Mariana Islands. From a negligible level of economic activity in 1976, gross island product today has grown to an estimated \$533 million per year. With this growth has come increased economic self-reliance, so that since 1992 the NMI no longer receives any special Federal support for the operations of government, and as indicated above, the annual special grant to the islands is now scheduled to end. And the population has grown—from approximately 15,000 to an official total of 59,913 in a 1995 census.

While the relationship between NMI and the United States is unique because it arises from an act of popular volition, ironically the Covenant made no immediate provision for a basic right of citizens in a democracy: participation in the national government.

Precedent supports representation for the people of NMI in Congress. Since 1790, when Congress first provided for a nonvoting delegate to represent “the territory south of the River Ohio,” over 30 non-State areas of the Nation have been so represented. Today, the people of American Samoa, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands all have representation in Congress. The NMI is the only part of the United States with a permanent population which does not have representation.

Populations of the different territories have varied from as few as 5,000 to 259,000 when they were first represented by nonvoting delegate. The small population of NMI was cited by the Marianas Political Status Commission, which negotiated the Covenant for the islands, as the reason NMI was unable to obtain a nonvoting delegate in the Covenant despite the backing of the executive branch of the Federal Government. NMI population of 15,000 (1970 Census) was considerably less at that time than the populations of Guam (86,926) and the Virgin Islands (63,200) had been when those territories were granted nonvoting delegates in 1972.

Two years after approving the Covenant without a provision for an NMI delegate, however, Congress granted a delegate to Amer-

ican Samoa with a resident population of 27,000, most of whom were not U.S. citizens. Today, with a U.S. citizen population of 27,512 and a total population of 59,913, NMI is clearly within the threshold of population established by precedents both historical and contemporary.

But even ten years ago—before a recent surge in population—the need for representation was recognized. The Commission on Federal Laws, appointed by President Ronald Reagan in accordance with Section 504 of the Covenant, recommended to Congress in 1986 that the Northern Marianas Resident Representative, authorized under Section 901 of the Covenant, be made a nonvoting delegate in the House of Representatives. No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live, the Commission noted, quoting *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). The Commission included the then senior and foremost House expert on insular affairs, Congressman Robert Lagomarsino. His predecessor on the Commission, Congressman Phillip Burton, was another advocate of the U.S.-Marianas relationship and supported eventual representation for the islands.

In justifying its recommendation, the Commission also excerpted at length sections of House Report 95-1458, which in 1978 had accompanied approval by the predecessor of this Committee for H.R. 13702, the bill providing a nonvoting delegate for American Samoa. The reasoning of that report remains sound and applies as much to NMI as it did—and does—to American Samoa:

Under provisions of H.R. 13702, a nonvoting delegate from American Samoa can more effectively represent and interpret the needs, welfare and interest of the territory. Furthermore, the nonvoting delegate will carry the responsibility of maintaining the contacts and liaison with the various committees of the Congress and the officials of the executive branch of the Federal Government. Additionally, the nonvoting delegate will relieve other Members of Congress of the necessity of dealing with individual problems and related subject areas that directly affect the interests of the Territory of American Samoa.

Nor is participation of the people of NMI in their national government an abstract goal towards which they must be encouraged. They have expressed through local constitutional processes and their elected officials that they recognize the need and benefits to joining their fellow Americans in the workings of Congress.

In 1985, Constitutional Amendment No. 24 of the NMI Constitution was adopted regarding “Representation to the United States” in support and anticipation of the Congress conferring a non-voting delegate for NMI (see Appendix #1). Each of the last three Northern Marianas Legislatures have by joint resolution petitioned Congress for a nonvoting delegate, including the most recent House Joint Resolution No. 10-1 of January 18, 1996 (See Appendix #2). Finally, the three municipal governments of Rota, Tinian and Saipan have all enacted resolutions asking Congress to provide a delegate (see Appendices #3 through #5). These actions all dem-

onstrate the overwhelming support in NMI for representation in Congress.

The NMI experienced serious growing pains during the development of local governments and the tremendous rate of economic development over the past two decades. The major concern involved an increasing alien labor working in substandard conditions below the federal minimum wage. While the Administration recently reported some improvements, serious problems remain. Authorizing an NMI delegate through H.R. 4067 does not lessen the commitment of compliance with federal labor standards and sound immigration practices. A number of concerned Senators visited the NMI earlier this year, and in spite of observing certain ongoing problems, they returned advocating a delegate now.

An NMI delegate will be an important source of views for Members, as Congress continues to examine legislative options in the future. An elected delegate in Congress can be much more effective in communicating the needs of the NMI and recommending appropriate future action by the Congress. Furthermore, an NMI delegate is now particularly warranted given this Congress' termination of the Office of Territorial and International Affairs and the end of the Assistant Secretary political position for that office.

The Committee estimates that implementation of H.R. 4067 will cost less than \$1 million per year. This cost is a relatively small amount to extend to the U.S. citizens of NMI that which is fundamental to Americans in our democracy: the right to have a voice in their own government.

COMMITTEE ACTION

H.R. 4067 was introduced on September 12, 1996, by Congressman Elton Gallegly (R-CA). The bill was referred to the Committee on Resources. On September 18, 1996, the Full Resources Committee met to consider H.R. 4067. An amendment which precludes the election of an NMI delegate before the general election of 1998 was offered by Delegate Eni F.H. Faleomavaega (D-AS), and adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives, in the presence of a quorum, by voice vote. Subsequent to final adoption of H.R. 4067 by the Full Committee, the following Members asked unanimous consent that their vote regarding H.R. 4067 be shown as no: Congressman Wes Cooley (R-OR), Congresswoman Helen Chenoweth (R-ID), Congressman Jack Metcalf (R-WA) and Congressman Joel Hefley (R-CO).

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This Act may be cited as the "Northern Mariana Islands Delegate Act."

SECTION 2. DELEGATE TO HOUSE OF REPRESENTATIVES FROM THE NORTHERN MARIANA ISLANDS

The legislation amends Public Law 94-241, approving the Covenant which provides for the relationship between the federal gov-

ernment and NMI. A new Section 6 is added at the end of the statute to clarify the following: NMI shall be represented in the United States Congress by a nonvoting delegate to the United States House of Representatives; the delegate from the NMI shall receive the same compensation, privileges, and immunities granted to the delegate from Guam; the NMI delegate shall be elected pursuant to the laws of the NMI so long as such election law complies with the Federal election criteria for, and in sequence with the election of other delegates to the House of Representatives, but not prior to the November 1998 general election; in case of a permanent vacancy in the office of delegate, by reason of death, resignation, or permanent disability, the office of the delegate shall remain vacant until a successor is elected and qualified; and H.R. 4067 shall not be construed to alter, amend, or abrogate any provision, other than the section 901 (relating to representation of the NMI in Washington), of the Covenant.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(1)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 4067 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 4067. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4067 does not contain any new budget authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4067.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the committee has received the following cost estimate for H.R. 4067 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington DC, September 25, 1996.

Hon. DON YOUNG,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 4067, the Northern Mariana Islands Delegate Act, as ordered reported by the House Committee on Resources on September 18, 1996. CBO estimates that enacting H.R. 4067 would increase discretionary costs for Congressional salaries and expenses by about \$5 million over the 1999–2002 period. In addition, enacting the bill would increase direct spending for Congressional pay by about \$600,000 over the 1999–2002 period. That estimate assumes that the current annual salary of \$133,600 would be adjusted for inflation in future years, as provided under current law.

Beginning with the general federal election of 1998, H.R. 4067 would allow the citizens of the Commonwealth of the Northern Mariana Islands (CNMI), a territory of the United States, to elect a nonvoting delegate to the House of Representatives. The delegate would receive the same compensation, allowances, and benefits as a Member. As a result, CBO estimates that discretionary costs for Congressional expenses would increase by about \$1 million in fiscal year 1999, \$1.2 million in fiscal year 2000, and \$1.3 million in each of fiscal years 2001 and 2002. That estimate is based on the allowance for office expenses and mail costs provided to the delegate from Guam, who received an allowance of about \$900,000 for fiscal year 1996, and on an estimated cost for employee benefits of about \$200,000. The costs would be lower in fiscal year 1999, because the first election would not occur until November 1998.

H.R. 4067 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) and would impose no costs on state, local, or tribal governments.

While the bill does not require the CNMI to select a delegate, if it chooses to do so, the government of the CNMI would be required to hold biennial elections. Based on information provided by CNMI officials, we estimate that the cost of each election would be about \$25,000. The CNMI would save substantially more than that amount, however, because it would no longer pay for a Resident Representative in Washington, once a delegate was elected and in place. The CNMI government currently contributes about \$1 million per year to maintain this office, whereas all expenses of the delegate's office would be paid by the federal government.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter and

Mary Maginniss (for federal costs), and Marjorie Miller, for state and local costs.

Sincerely,

JUNE E. O'NEILL, *Director*.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 4067 contains no unfunded mandates.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 6 OF THE ACT OF MARCH 24, 1976

JOINT RESOLUTION To approve the "Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", and for other purposes.

SEC. 6. DELEGATE TO THE HOUSE OF REPRESENTATIVES.

(a) *IN GENERAL.*—*The Northern Mariana Islands shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives. The Resident Representative of the Northern Mariana Islands, as authorized by section 901 of the foregoing Covenant and upon election pursuant to subsection (c) of this section, after the date of the enactment of this section, shall be the Delegate.*

(b) *COMPENSATION, PRIVILEGES, AND IMMUNITIES.*—*Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives and shall be entitled to whatever privileges and immunities are, or hereafter may be, granted to the Delegate from Guam to the House of Representatives.*

(c) *ELECTION OF DELEGATE.*—*The Delegate from the Northern Mariana Islands shall be elected, but not appointed, and not before the general Federal election of 1998, as authorized by section 901 of the foregoing Covenant and the Constitution and laws of the Northern Mariana Islands so long as such authorization complies with the Federal election criteria for, and provides for elections in sequence with, the election of other Delegates of House of Representatives.*

(d) *VACANCY.*—*In case of a permanent vacancy in the office of Delegate, by reason of death, resignation, or permanent disability, the office of Delegate shall remain vacant until a successor is elected and qualified.*

(e) *LACK OF EFFECT ON COVENANT.*—*This section shall not be construed to alter, amend, or abrogate any provision, other than section 901 of the foregoing Covenant.*

DISSENTING VIEWS

This legislation would authorize the election to the U.S. Congress of a delegate representing the Commonwealth of the Northern Mariana Islands (CNMI). The Delegate would have all the rights and privileges as that currently held by the Delegate from Guam. Under the Republican leadership of the House, Delegates from the U.S. Territories and the Resident Commissioner from Puerto Rico lost the right to vote on the House Floor but did retain the right to vote in committee. Currently, the interests of the CNMI are represented by an elected Washington representative from the CNMI. This office comments, and is consulted with, on issues affecting the islands which are before Congress, but the officeholder has no official status in Congress.

Serving in the Congress of the United States is a privilege and an honor. We need to make sure that those who seek membership in the House of Representatives conform to the criteria expected of all those who are a part of this institution, including adherence to the principles of the Constitution, the letter of the law, and the fundamental beliefs on which the nation is founded. Citizens and non-residents alike living in any congressional district have the right as citizens and non-residents elsewhere to be treated equally and fairly before the law.

The Resources Committee has not held one hearing, Member meeting, or conducted a single study recommending that we provide for a Member of Congress from the CNMI. This bill was never even referred to the subcommittee of jurisdiction. In fact, the exact same language which appears in HR 4067 was first introduced as HR 3879 on July 23, 1996. That bill also never received a public hearing. It was introduced and immediately put on the schedule for full committee mark up the following week, where it was rejected by a recorded vote. The sponsor of the bill reintroduced the exact same language as HR 4067 which was immediately put on the schedule for the next full committee meeting where no recorded vote was requested. HR 4067 was reported on the basis of a voice vote.

Prior to this point, the Resources Committee has enjoyed a long history of working on issues affecting the CNMI on a bipartisan basis. An issue as important as expanding the size of the Congress deserves public hearings and an opportunity for the Members to receive testimony from all those who would be affected by this change.

A public review is needed because conditions in the CNMI are not known to many Member of the House or to many Americans. Indeed, severe problems have long existed in the CNMI which raise reasonable doubts about whether the government of the CNMI respects Federal law and those who are sent to enforce it. Not long ago Federal representatives were not welcomed by the CNMI gov-

ernment and workers were ordered not to cooperate with Federal officials investigating how Federal funds were being used and numerous labor abuse reports.

The CNMI controls its own immigration and is not under US immigration laws. The government continues to allow importation of massive numbers of “guest workers” as laborers to work in the construction, security, and garment industries. Thousands more alien workers live on the islands than CNMI residents putting a tremendous strain on the infrastructure of the islands including roads, sewers, hospitals, and schools.

Direct links have been made by the FBI and U.S. Department of Justice between the almost unrestricted boarder access and the increase of organized crime in the CNMI and the importation of drugs to the United States with CNMI as the first port of entry. This is especially true for crystal methamphetamine, known as “ICE” coming in from Japan.

So prevalent has been the abuse of the guest workers—typically young girls from the Philippines, China and other Pacific nations—that earlier this year, the Philippine government took the drastic step of prohibiting Philippine nationals from coming to the United States to work in the CNMI. Reports of labor abuses continue including beatings, non payment of wages, forced over work, and demands of kick back payments to employers. The CNMI government has repeatedly failed to take appropriate action to prosecute the abusers.

Reports also continue of young girls being recruited to work as “waitresses” only to be forced into prostitution once they arrive in the CNMI. Families of the recruited employees frequently are provided money in the form of loans that the employees are compelled to work off. If the girls complain and ask to receive the waitress job promised, they are sent home, leaving their family no way to repay the loan.

These labor abuses are not isolated instances, and they are not challenged by the CNMI government. Indeed, despite years of complaints and investigations—including reviews by this Committee in the recent past—there has been no sustained or credible effort by the CNMI government to restrict immigration or to punish seriously labor abusers.

The CNMI government has given little but lip service to the notion of raising minimum wage. Currently, the minimum wage in the CNMI is \$2.75 per hour. CNMI’s neighbor Guam pays the US minimum wage and has done so for decades even though they are in direct competition with the CNMI in several industries.

The most recent actions taken by the CNMI shows the lack of commitment to raising the minimum wage to the U.S. standard. The previous legislature, under pressure from the Congress, passed a law to raise minimum wage 30 cents per year until it reached that of the mainland U.S. In December of 1995, however, the legislature voted a 6 month delay in the wage increase which was to take place in January, 1996. The legislature also put together a locally controlled wage review board to be chaired by the owner of several garment factories which imported several thousand alien workers. The Governor vetoed this proposal but then acted to put off the 30 cent raise until July of 1996. The legislature, in May of

1996, then voted to roll the 30 cent increase back to only 15 cents for workers in the largest and most troubled industries, garment manufacturing and construction.

Opposing legislation to allow for a delegate from the CNMI is not an easy decision, and one I very much wish I did not have to make. The American citizens living in the CNMI deserve to have as much representation in its Federal government as possible. It is certainly not unheard of, however, for the Federal government to stipulate that changes be made prior to the allowance of Congressional representation. This nation has a long history of requiring those who wish representation to change behavior such as polygamy or slavery, behaviors which are contrary to the beliefs and ethics of this nation as a whole.

I recognize that some assert that we will have a better opportunity to pressure CNMI into accepting the legal changes we seek if it is represented in the Congress. I find this argument unconvincing. Rather, I believe that only by sending a clear message of disapproval, by denying membership in the House of Representatives until sustained and substantive reforms are implemented, will this House demonstrate that change within the CNMI is required to meet the standard for equal participation in the Congress commensurate with that of other delegates.

GEORGE MILLER.

APPENDIX I

AMENDMENT NO. 24 TO THE CONSTITUTION OF THE NORTHERN MARIANA ISLANDS (WITH ATTACHMENTS)

ADOPTED AMENDMENTS

Proposed Constitutional Amendment Number and Title

- 1—To amend Section 9 of Article I relating to Clean and Healthful Environment
- 2—To add a new section to Article I relating to victims of crime.
- 3—To add a new section to Article I making abortion illegal in the Northern Mariana Islands.
- 4—To amend Sections 2 and 3 of Article II by adding a new subsection (d) to each section relating to Composition of the Senate and Composition of the House of Representatives.
- 5—To add a new Section 5(d) to Article II to prohibit legislation which increases the class of non-alien beyond those persons defined in Section 506(c) of the Covenant.
- 6—To amend subsections (a) and (c) of Section 7 of Article III and to add a new subsection (d) to Section 7 of Article II, relative to action on legislation by the Governor, and to prohibit certain types of bills during the period of a lame-duck legislature.
- 7—To amend Section 11 of Article II relating to Other Government Employment of members of the legislature; and to amend Section 14(a) of Article II regarding the vote required to expel a member of the Legislature.
- 8—To amend Section 13 of Article II relating to legislative sessions.
- 9—To add a new section to Article II, to establish a ceiling of \$2,800,000 on the budget of the legislature.
- 10—To amend Article II by adding a new section establishing a legislative bureau.
- 11—To amend Section 2 of Article III relating to Qualifications of the Governor.
- 12—To amend Section 4 of Article III to limit a governor to two terms in office.
- 13—To amend Section 7 of Article III relating to succession to the Governorship and Lieutenant Governorship.
- 14—To amend Section 9(a) and (b) of Article III to mandate a balanced budget for the Commonwealth of the Northern Mariana Islands Government in every fiscal year.
- 15—To amend section 10 of Article III relating to the Governor's emergency powers.
- 16—To amend Section II of Article III of the Northern Marianas Constitution relating to the Attorney General.
- 17—To amend Section 12 of Article III to provide for appointment of a temporary public auditor by the governor in the event of

- a vacancy in the office of public auditor, and to guarantee the minimum budget of the public auditor.
- 18—To add a new subsection to Section 18 of Article III to require that the salary of the Executive Assistant for Carolinian Affairs not be less than that of an executive department head.
 - 19—To add a new section to Article III relating to Retirement System.
 - 20—To add a new section to Article III to guarantee the independence of boards and commissions and require appointments to vacant seats within 90 days.
 - 21—To add a new section to Article III to establish an Office of Special Assistant for Women's Affairs.
 - 22—To add a new section to Article III relative to Indigenous Affairs.
 - 23—To amend Sections 2, 3, and 4 of Article IV relating to the Judicial Branch.
 - 24—To amend Article V relative to representation in the United States.
 - 25—To amend Article VI and Sections 17(a) and (b) of Article III relating to Local Government and decentralized delivery of public services.
 - 26—To amend Section of Article VIII of the Northern Marianas Constitution to change the day of the regular general election to Saturday.
 - 27—To add a new Section 5 to Article VIII relating to resignation from public office.
 - 28—To amend Section 1 of Article X relating to Public Purpose.
 - 29—To add a new section to Article X prohibiting the imposition of certain taxes on real property unless approved by three-fourths of the votes cast in a referendum.
 - 30—To add two new sections to Article X relating to the liquidation of deficits, and requiring employment ceilings in appropriation acts.
 - 31—To add two new sections to Article X relating to a Uniform Fiscal Management Policy and taxpayer's rights of action.
 - 32—To amend Sections 4 and 5 of Article XI relating to the Marianas Public Land Corporation.
 - 33—To amend Section 6(a) of Article XI to provide for an increase in the number of trustees of the Marianas Public Land Trust from three to five; and, to amend Section 6(f) of Article XI to provide for annual reporting.
 - 34—To amend Section 2 of Article XII relating acquisition of land.
 - 35—To amend Section 3 of Article XII to allow the sale and long-term lease of building above the first floor.
 - 36—To amend Section 5 and 6 of Article XII of the Northern Marianas Constitution relating to the qualification of corporations as persons of Northern Marianas descent.
 - 37—To amend Section 2 of Article XIV to include two other uninhabited islands to be protected and preserved.
 - 38—To repeal Section 13 of Article III, and to amend Article XV relative to education.
 - 39—To amend Section 2(a) of Article XVIII to require that voters be asked within ten years whether there should be another constitutional convention; and, to amend Section 5(a) of Article

XVIII to allow proposed amendments to be ratified in a special election.

- 40—To add a new Article relating to Code of Ethics; to amend Section 15 of Article II relating to Conduct of Members; and to amend Section 6 of Article III relating to other government employment.
- 41—To repeal Section 16 of Article III; and to add a new Article relating to Civil Service.
- 42—To add a new Article relating to gambling.
- 43—To add a new Article relating to the official seal, flag and languages of the Northern Marianas.
- 44—To amend Section 8 of the Schedule on Transitional Matters relating to Interim Definition of Citizenship.

A Proposed Constitutional Amendment To amend Article V relative to
representation in the United States

The Second Constitutional Convention adopts and proposes for ratification the following amendment:

I. Article V is amended to read:

“ARTICLE V: REPRESENTATION TO THE UNITED STATES

“Section 1: *Resident Representative to the United States*. A resident representative to the United States shall be elected to represent the Commonwealth in the United States and perform those related duties provided by law. The governor shall provide a certification of selection promptly to the United States Department of State and to the resident representative.

“Section 2: *Term of Office*. The term of office of the resident representative shall be two years, except that on the second Monday of January 1990, the term of office of the resident representative shall be increased to four years. In the event that the United States confers the status of member or non-voting delegate in the United States Congress on the resident representative and such status requires a different term, the term of office of the resident representative shall be that required by such status.

“Section 3: *Qualifications*. The resident representative shall be qualified to vote in the Commonwealth, a citizen of the United States, at least twenty-five years of age, and a resident and domiciliary of the Commonwealth for at least seven years, immediately preceding the date on which the resident representative takes office. A different period of residence and domicile may be provided by law. No person convicted of a felony in the Commonwealth or in any area under jurisdiction of the United States may be eligible for this office unless a full pardon has been granted.

“Section 4: *Annual Report*. The resident representative shall submit a written report by the first day of March of each year, except that an outgoing resident representative shall submit a final written report by the second Monday of January of the year he or she leaves office, to the governor and legislature on the resident representative's official activities during the preceding year and matters requiring the attention of the government or people of the Commonwealth.

“Section 5. *Compensation.* The resident representative shall receive an annual salary and reasonable allowance for expenses provided by law. The salary may not be changed during a term of office. The staff of the office of the resident representative shall be exempted from the civil service.

“Section 6: *Vacancy.* In the event of a vacancy in the office of resident representative to the United States, the governor shall appoint a successor with the advice and consent of the legislature unless the United States confers the status of member or non-voting delegate in the United States Congress on the resident representative and such status requires a different method of filling vacancies, in which case vacancies shall be filled in the manner required by such status.

“Section 7: *Impeachment.* The resident representative is subject to impeachment as provided in article II, section 8, of this Constitution for treason, commission of a felony, corruption or neglect of duty.”

APPENDIX II

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE, FIRST REGULAR SESSION, 1996

A House Joint Resolution To request that the United States Congress establish a non-voting Delegate from the Northern Mariana Islands within the U.S. House of Representatives.

Taking Note that the Covenant negotiating history makes it clear that Section 901 does not preclude the Government of the Northern Marianas from requesting that a Delegate from the Northern Mariana islands be established in the Congress of United States;

Finding that the current status of Commonwealth-federal relations, which has been marred by miscommunication, misinterpretation, and misinformation is further exacerbated by the lack of a constant and vigilant Commonwealth voice and presence in the House of Representatives and its various committees and subcommittees;

Finding that the Northern Marianas Commonwealth Legislative has overwhelmingly approved two resolutions, namely House Joint Resolution 8-5 and Senate Joint Resolution 9-6, urging the Congress of the United States to establish a Delegate from the Northern Marianas within the U.S. House of Representatives;

Observing that Article V, Section 2, of the Commonwealth Constitution as amended by Constitutional Amendment 24, provides that the United States may confer the status of nonvoting member delegate in the United States Congress on the Resident Representatives;

Recognizing with gratitude that on August 10, 1994, Guam Delegate Robert Underwood introduced H.R. 4927 in the 103rd Congress, to provide a nonvoting delegate to the House of Representatives to represent the Commonwealth of the Northern Mariana Islands;

Believing fervently that the pursuit of the delegate seat is imperative in attaining full status as a member of the American political family in which thus far the Northern Mariana Islands remains the only U.S. insular area not to be represented in the United States Congress;

Holding to be true that non-voting delegate status for the Resident Representative would neither diminish the full force and effect to the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America nor in any sense abrogate, qualify, or release rightful claims to local self-government contained in Article I, Section 103 of the Covenant; it is

Resolved by the House of Representatives of the Tenth Northern Marianas Commonwealth Legislature, the Senate concurring, that the 104th Congress of the United States of America is hereby requested to:

(1) Confer the status of nonvoting delegate in the United States Congress on the Resident Representative;

(2) Provide that the Delegate from the Northern Mariana Islands receive the same compensation, allowance, benefits and be entitled to those same privileges and immunities as a Member of the United States House of Representatives;

(3) Work closely with the present Resident Representative in the drafting of federal legislation necessary to realize the Delegate from the Northern Mariana Islands; and

Resolving Further that the Speaker of the House and the President of the Senate shall certify and the House Clerk and the Senate Legislative Secretary shall attest to the adoption of this Resolution and thereafter transmit certified copies to: the Honorable William Jefferson Clinton, President of the United States; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; the Honorable Richard Armey, Majority Leader of the U.S. House of Representatives; the Honorable Richard Gephardt, Minority Leader of the U.S. House of Representatives; the Honorable Don Young, U.S. House of Representatives; the Honorable Elton Gallegly, U.S. House of Representatives; the Honorable George Miller, U.S. House of Representatives; the Honorable Eni F.J. Faleomavaega, U.S. House of Representatives; the Honorable Robert Underwood, U.S. House of Representatives; the Honorable Eleanor Holmes Norton, U.S. House of Representatives; the Honorable Carlos Romero-Barcelo, U.S. House of Representatives; the Honorable Victor Frazer, U.S. House of Representatives; the Honorable Al Gore, Vice President of the United States and President of the U.S. Senate; the Honorable Robert Dole, Majority Leader of the U.S. Senate; the Honorable Tom Daschle, Minority Leader of the U.S. Senate; the Honorable Frank Murkowski, U.S. Senate; the Honorable J. Bennett Johnston, U.S. Senate; the Honorable Daniel Inouye, U.S. Senate; the Honorable Daniel Akaka, U.S. Senate; and the Honorable Bruce Babbitt, Secretary of the U.S. Department of Interior.

APPENDIX III

MUNICIPALITY OF ROTA

Resolution endorsing the movement to have the United States of America give our Washington Representative a nonvoting status in the United States Congress

Whereas, Section 901 of the Covenant provides the Commonwealth of the Northern Marianas Island for the Appointment or election of Resident Representative to the United States; and

Whereas, the CNMI Constitution provides for the election of such representative, is entitled to receive official recognition by the United States department and agencies; pursuant to Section 901 of the Covenant; and

Whereas, such recognition, in and of itself, has proven to leave much to be desired in the way of providing effective representative to the CNMI; and

Whereas, a status of a non-voting delegate status such as Guam delegates would assure us the substantial input and knowledge with respect to matters directly affecting the CNMI; and

Whereas, the Commonwealth has developed to the point where it needs a voice and preserve in the United States House of Representatives and its various subcommittees; and

Be it resolved, that the fifth Rota Municipal Council respectfully urge the United States Congress and the people of the Commonwealth to endorse and approve non voting status on the Resident Representative to the United States; and

Be it further resolved, that the Chairwoman shall certify and all of the members shall attest to the adoption of the resolution and thereafter transmit certified copies to; the President of the United States of America; the Governor of the Commonwealth of the Northern Marianas; the Speaker of the House of Representatives;

The Vice President of the United States of America and President of the Senate; the Secretary of the United States Department of the Interior; the members of the United States Congress; the Assistant Secretary to the Office of Territorial and International Affairs, U.S. Department of the Interior

The CNMI-Washington Representative, the Senate President, the House Speaker, the Mayors of Tinian, Rota, Saipan and Northern Islands, the Chairmen of the Tinian, Rota, Saipan and Northern Island Legislative Delegation, the and the Chairmen of the Municipal Councils on Tinian and Saipan.

APPENDIX IV

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS, FIFTH TINIAN MUNICIPAL COUNCIL

Resolution endorsing the movement to have the United States Congress confer non-voting status on the Resident Representative to the United States

Whereas, Section 901 of the Covenant provides the Commonwealth of the Northern Mariana Islands for the appointment or election of a resident representative to the United States; and

Whereas, the Commonwealth Constitution provides for the election of such representative, and is entitled to receive official recognition by the United States Governmental department and agencies; pursuant to Section 901 of the Covenant; and

Whereas, such recognition, in itself, has proven to leave much to be desired in the way of providing effective representation to the Commonwealth; and

Whereas, that a non-voting delegate status, such as Guam delegates would assure the Commonwealth of substantial input and knowledge with respect to matters directly affecting the Commonwealth; and

Whereas, the Commonwealth has grown to the point where it needs a constant and informative voice and presence in the United States House of Representatives and its various subcommittees; and

Whereas, the Resident Representative for the Northern Mariana Islands receive the same Compensation, allowance and benefits as a member of the United States House of Representative and be entitled to at least those same privileges and immunities granted to the non-voting Delegates from the Territory of Guam; and

Be it resolved, that the Fifth Tinian Municipal Council respectfully urge the United States Congress and the people of the Commonwealth to endorse and approve nonvoting status on the Resident Representative to the United States; and

Be it further resolved, that the Chairman shall certify and all of the members shall attest to the adoption of this resolution and thereafter transmit certified copies to; the President of the United States of America; the Governor of the Commonwealth of the Northern Marianas; the Speaker of the House of Representatives;

The Vice President of the United States of America and President of the Senate; the Secretary of the United States Department of the Interior; the members of the United States Congress; the Assistant Secretary to the Office of Territorial and International Affairs, U.S. Department of the Interior.

The CNMI-Washington Representative, the Senate President, the House Speaker, the Mayors of Tinian, Rota, Saipan and Northern

Islands, the Chairmen of the Tinian, Rota, Saipan and Northern Island Legislative Delegation, and the Chairman of the Municipal Councils on Rota and Saipan.

APPENDIX V

SAIPAN AND NORTHERN ISLANDS MUNICIPAL COUNCIL

Third regular session, a municipal council resolution endorsing the movement to have the United States of America give our Washington Representative to the United States a status of non-voting delegate in the United States Congress

Whereas, Section 901 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union with the United States of America (Covenant) allowed the constitution of the CNMI to provide for the appointment or election of a resident representative to the United States; and

Whereas, the CNMI Constitution provides for the election of such representative, and at the present time, is entitled to receive official recognition by the United States departments and agencies; pursuant to Section 901 of the Covenant; and

Whereas, such recognition, in and of itself, has proven to leave much to be desired in the way of providing effective representation to the CNMI; and

Whereas, a status of non voting delegate, such as Guam or Virgin Islands delegates would assure us of substantial input and knowledge with respect to matters affecting the CNMI; and

Whereas, at the recent Congressional hearings in Washington, Chairman of the Committee on Insular and International Affairs, the Honorable Ron Delugo, stated the numerous benefits and recognition that come from having a status of non-voting delegate top the United States Congress; and

Whereas, such a status would also prove to be most economical for the CNMI in that the US Congress would be responsible for most of the expenses of our representative; NOW, therefore,

Be It Resolved, that the Second Saipan and Northern Islands Municipal Council respectfully urge the United States Congress and the people of the CNMI to endorse and approve a status of non voting delegate to the CNMI Representative to Washington; and

Be It Further Resolved, that the Chairman shall certify and the Secretary shall attest to the adoption of this resolution and thereafter transmit certified copies to the President of the United States of America, the Speaker of the House of Representatives, United States Congress, the Senate Majority and Minority Leaders of the United States Congress, the Chairman of the Insular and International Affairs Committee, United States Congress, the CNMI-Washington Representative, the Governor of the Commonwealth of the Northern Mariana Islands, the Senate President, the House

Speaker, the Mayors of Saipan, Rota, Tinian and Northern Islands, the Chairman of the Saipan Legislative Delegation, the President of the Saipan Chamber of Commerce, the Chairmen of the Rota and Tinian Legislative Delegations and the Chairmen Municipal Councils on Rota and Tinian.

